

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JUSTIN L. TRIPP,

Plaintiff(s),

v.

CLARK COUNTY, et al.,

Defendant(s).

Case No. 2:17-CV-1964 JCM (BNW)

ORDER

Presently before the court is the matter of *Tripp v. Clark County*, case number 2:17-cv-01964-JCM-BNW. On February 22, 2023, this court granted summary judgment in favor of Naphcare, Inc., Eric Lopez, Rachel Scheiblich, Kendra Meyer, and Raymond Mondora, and dismissed claims against Harry Duran due to his passing away during the pendency of the litigation. (ECF No. 253). The clerk entered judgment in favor of those defendants the same day. (ECF No. 254). The court also found that plaintiff had not filed proof of service as Dr. Dean Yarbrow. (ECF No. 253 at fn. 1).

By way of prior procedural history, in a September 2020 order, Magistrate Judge Weksler ordered defendants to file a last known address for Dr. Yarbrow so that plaintiff could effectuate service. (ECF No. 164). After an objection, Magistrate Judge Weksler reconsidered and vacated that order on August 17, 2021. (ECF No. 213). Even giving plaintiff the benefit of tolling the service requirements during the pendency of the objection, it has been over eighteen months since Magistrate Judge Weksler vacated her order, and he still has not served Dr. Yarbrow.

In its order granting summary judgment, this court stated: “This order shall therefore constitute notice to the plaintiff of intent to dismiss the action under Federal Rule of Civil Procedure 4(m) as to Dr. Yarbrow in thirty days unless compliant proof of service is filed with this

1 court.” (ECF No. 253 at fn.1). It has been more than thirty days since that order, and plaintiff still
2 has not filed proof of service compliant with Federal Rule of Civil Procedure 4(m).

3 Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that plaintiff’s claims against
5 Dr. Dean Yarbrow be, and the same hereby are, DISMISSED for failure to serve pursuant to Rule
6 4(m).

7 The clerk is instructed to enter judgment and close this case.

8 DATED March 27, 2023.

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10 UNITED STATES DISTRICT JUDGE
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